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09/26/2003

William J. Gibson JR.

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03/31/2010

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EXAMINER

BURCH, MELODY M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 3657

1. The amendment filed 1/14/10 after a decision by the Board of Patent Appeals and Interferences is not entered because prosecution is closed and the proposed amendment was not suggested in an explicit statement by the Board under 37 CFR 41.50(c). As provided in 37 CFR 1.198, prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner after a final decision of the Board except under the provisions of 37 CFR 1.114 (request for continued examination) or 37 CFR 41.50 without the written authority of the Director, and then only for the consideration of matters not already adjudicated, sufficient cause being shown.

In this case, some of the dependent claims have been amended to depend from the newly created independent claims. For example, claim 6 has been amended to depend from claim 11 when it previously depended from claim 5 which originally depended from claim 1. Such an amendment was not recommended by the Board and it presents, in essence, a new claim with a different combination of limitations. For instance, claim 11 requires that there be seals between the bushing and the bushing holder. Claim 6, however, requires that the outside diameter of the bushing be sized to form a tight fit with an inside diameter of the bushing holder. Such a combination with conflicting limitations does not obviously place the case in condition for allowance. This example shows that the current amendment instead raises new issues. Therefore, entry of the amendment is denied by the Examiner. In view of the fact that prosecution is closed, the appellant is not entitled to have such amendment entered as a matter of right. See MPEP 1214.07 in which it explains how such an amendment can be entered

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by submitting the amendment with a request for continued examination and the appropriate fee.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb
March 28, 2010

/Melody M. Burch/
Primary Examiner, Art Unit 3657